

Serial No.: 09/997,162

REMARKS

Status of the Application

This Amendment C is in response to the Official Action mailed on July 23, 2003. In Amendment C, applicants have canceled Claims 43 - 56 and 58 - 59. Therefore, upon entry of Amendment C, Claims 1 - 42, 57, and 60 - 73 will remain pending in the subject patent application.

Election/Restriction

In the present application, a Restriction has been made resulting in Group I consisting of Claims 1 - 45 and Group II consisting of Claims 46 - 54. The Examiner states that this application contains Claims 46 - 54 drawn to an invention non-elected with traverse in Paper No. 10 and that a complete reply to the present Official Action must include cancellation of non-elected claims. Applications herewith cancel Claims 46 - 54 in order to meet this requirement.

Claim Rejection - 35 U.S.C. § 112

The Examiner has rejected Claims 55, 56, 58 and 59 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that in Claims 55, 56, 58 and 59, "the target cathode" lacks antecedent basis.

Applicants herewith cancel Claims 55, 56, 58 and 59 and therefore this rejection is now moot.

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Double Patenting

Claims 43 – 45 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 40, 41, 21 and 56 of co-pending Application Serial No. 09/998,080 in view of Mikalesen et al. U.S. Patent No. 4,824,544. Additionally, Claims 43 – 45 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 87 – 89 of co-pending Application Serial No. 09/998,024 in view of Mikalesen et al. U.S. Patent No. 4,824,544.

Applicants herewith cancel Claims 43 - 45 and therefore this rejection is now moot.

Allowed Claims

Finally, applicants wish to thank the Examiner for indicating in the Official Action that Claims 1 – 42, 57 and 60 - 73 are allowable over the prior art of record.

CONCLUSION

In light of the above Remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully

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requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

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